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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,224	03/19/2001	Rodney Daughtrey	09765-012001	9468
26161	7590	11/10/2009		
FISH & RICHARDSON PC				
P.O. BOX 1022				
MINNEAPOLIS, MN 55440-1022				
EXAMINER				
DIXON, THOMAS A				
ART UNIT		PAPER NUMBER		
3684				
NOTIFICATION DATE		DELIVERY MODE		
11/10/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09812224	3/19/2001	DAUGHTREY, RODNEY	09765-012001

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EXAMINER

Thomas Dixon

ART UNIT	PAPER
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3684 200911-A

DATE MAILED:

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Commissioner for Patents

1. The amendment filed 9/25/09 after a decision by the Board of Patent Appeals and Interferences is not entered because prosecution is closed and the proposed amendment was not suggested in an explicit statement by the Board under 37 CFR 41.50(c). As provided in 37 CFR 1.198, prosecution of the proceeding before the primary examiner will not be reopened or reconsidered by the primary examiner after a final decision of the Board except under the provisions of 37 CFR 1.114 (request for continued examination) or 37 CFR 41.50 without the written authority of the Director, and then only for the consideration of matters not already adjudicated, sufficient cause being shown.

Applicant's amendments in answer to the New Grounds of Rejection by the Board under 37 CFR 41.50(b) as per claims 15-18 and 28-35 which were rejected under 35 USC § 101 are seen as a proper response.

Applicant's amendments regarding claims in which the Examiner was Affirmed are seen as improper as prosecution is closed and the proposed amendment was not suggested in an explicit statement by the board. As per Claim 1 and it's dependents, Applicant's addition of "a monitor device" and "circuitry to render the graphical user interface" are seen to be a statutory class, but require further consideration.

2. The IDS of 7/2/08 has been considered.

3. The Board of Patent Appeals and Interferences affirmed the rejection(s) against independent claim(s) 1, 28, but reversed prior art rejections against claim(s) 4-11 and 31-35 dependent thereon. The independent claim(s) is/are cancelled by the examiner in accordance with MPEP § 1214.06. Applicant is given a ONE MONTH TIME PERIOD from the mailing date of this letter in which to present the dependent claim(s) in independent form. NO EXTENSIONS OF TIME UNDER 37 CFR 1.136(a) WILL BE GRANTED. Failure to comply will result in cancellation of the dependent claims and the application will be allowed with claim(s) 19, 36. Prosecution is otherwise closed.

/Thomas Dixon/
Primary Examiner
Art Unit: 3684